# GOVERNMENT OF INDIA
# COMMERCE AND INDUSTRY
# LOK SABHA

UNSTARRED QUESTION NO:2999
ANSWERED ON:16.03.2001
INTELLECTUAL PROPERTY RIGHTS
VINAY KUMAR SORAKE

**Will the Minister of COMMERCE AND INDUSTRY be pleased to state:**

(a) Whether two crucial laws pertaining to protection of intellectual property rights were notified in December, 1999 and there was a proposal to constitute the Intellectual Property Appellate Board for implementation;

(b) If so, whether the Board has been constituted and started to enact the laws;

(c) If not, the reasons for the delay in constituting the Board;

(d) Whether the Government are aware that overseas parties are taking undue advantage of the non-enactment of said laws by marketing various products under Indian brand names; and

(e) If so, the time by which the Board is likely to be constituted?

## Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH)

(a) The Trade Marks Act, 1999 and the Geographical Indications of Goods (Registration & Protection) Act, 1999 were notified on 30.12.1999 after approval of both Houses of Parliament. The Trade Marks Act, 1999 provides for the establishment of an Intellectual Property Appellate Board as an appellate forum for appeals against orders of the Registrar of Trade Marks and Geographical Indications respectively. The Intellectual Property Appellate Board will not implement these Acts which would be implemented by the existing Trade Marks Registry and the proposed Geographical Indications Registry.

(b) The Board has not yet been constituted.

(c) The constitution of the Board requires inter-ministerial consultation which have now been completed. Administrative steps to commence the operation of the Board have been initiated.

(d) The scope of the Trade Marks Act, 1999 and the penal provisions there under have been amplified and strengthened vis-Ã -vis the Trade and Merchandise Marks Act, 1958 which will be repealed and replaced. The Geographical Indications of Goods (Registration & Protection) Act seeks to provide protection for goods bearing Indian geographical indications. The enactment of this Act is expected to prevent the abuse of products bearing geographical indications of goods originating in India in order to deceive or cause confusion in the relevant markets.

(e) Government`s endeavour is to constitute the Board at the earliest.